

Patent
Attorney Docket No. Sensory 0003.CON3

723

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gary S. Hahn and David O. Thueson

Application No.: 09/992,491

RECEIVED

JAN 27 2005

Filing Date: November 21, 2001

OFFICE OF PETITIONS

Examiner: Yu, Gina C.

Art Unit: 1617

Title: TOPICAL PRODUCT FORMULATIONS CONTAINING STRONTIUM FOR REDUCING SKIN IRRITATION

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. §§1.97 and 1.98, enclosed please find a completed Form PTO/SB/08A (five pages) and related documentation. Also, please take note of the following co-pending U.S. patent applications, which are assigned to the same assignee as the above-referenced patent application:

| <u>Inventor(s)</u> | <u>Application Number</u> | <u>Filing Date</u> |
|--------------------|---------------------------|--------------------|
| Hahn et al. | 09/400,757 | September 21, 1999 |
| Hahn et al. | 10/189,344 | July 3, 2002 |

As these applications are available through the Patent Office's PAIR system in Image File Wrapper format, no copy is enclosed in accordance with the Patent Office's Official Gazette notice dated September 23, 2004.

There are several foreign patent documents listed in the attached Form PTO/SB/08A. Copies of each are enclosed. Note that, per the European Patent Office, WO96/19183 is the official publication of EP 0 801 554 A1 according to Article 158 of the EPC.

Included within the attached list are foreign language documents FR 2047885 and FR 2361904. As FR 2047885 and FR 2361904 are not published in the English language, the corresponding Supplemental European Search Report where those

Information Disclosure Statement

Application No. 09/992,491

Page 2 of 3

documents were cited against an application assigned to the present assignee is included.

For reference, "Supp. EP Search" is included in the column denoted "Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear."

In the accompanying Form PTO/SB/08A, one asterisk in the column denoted "Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear" is used in conjunction with the actual document number that was cited by a foreign patent office, and which triggered inclusion in the Information Disclosure Statement of the corresponding English-language family member set forth in the same line of the Form PTO/SB/08A. A copy of that foreign patent document is also included. In addition, an English-language translation of the Japanese Office Action in which the foreign patent document was cited is also provided.

In the accompanying Form PTO/SB/08A, two asterisks in the column denoted "Document Number" mean that an English-language equivalent family member is not available for the listed document. However, an English-language translation of the Japanese Office Action in which those documents were cited is provided as well as an English-language abstract. Hence, the term "Office Action" is included in the column denoted "Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear."

In the accompanying Form PTO/SB/08A, three asterisks after JP-A-11/502504 in the column denoted "Document Number" means that WO96/19183 is an English-language equivalent family member available for the listed document. Similarly, four asterisks after JP-A-06/080544 means that EP 0 559 262 A1 is an English-language equivalent family member available for the listed document. EP 0 559 262 A1 was previously considered by the Patent Office. Nevertheless, copies of both of those English-language documents are included with this submission. In addition, an English-language translation of the Japanese Office Action in which the Japanese patent documents listed were cited is also provided. Hence, the term "Office Action" is included in the column denoted "Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear" for each document.

As this submission is being filed after a first Office Action on the merits, but prior to close of prosecution, enclosed is a Form PTO-2038, authorizing the Patent Office to

Information Disclosure Statement

Application No. 09/992,491

Page 3 of 3

charge the required fee of \$180 as required by 37 C.F.R. §1.97(c) to the designated credit card. It is believed that no additional fee is due in conjunction with this Information Disclosure Statement. However, if any fee should become payable, or credit due, please charge or credit the same to Deposit Account No. 50-2785.

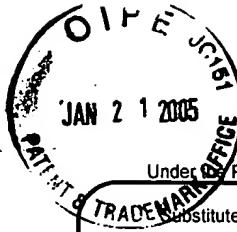
Consideration of this information and return of an initialed copy of the attached Forms PTO/SB/08A and PTO/SB/08B is respectfully requested.

Respectfully Submitted,

Date: 1-18-05

By: Lisa M. Griffith
Lisa M. Griffith
Reg. No. 41,185

The Griffith Law Firm, A P.C.
Suite 450
991C Lomas Santa Fe Drive
Solana Beach, CA 92075-2198
Telephone: 858.756.6935
Facsimile: 858.777.5718
E-mail: lgriffith@griffithpc.com



JAN 21 2005

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 07/31/2008. GMD 8557-003
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

REMARKS Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Shee

of

5

Complete if Known

| | |
|------------------------|-------------------|
| Application Number | 09/992,491 |
| Filing Date | November 21, 2001 |
| First Named Inventor | Gary S. Hahn |
| Art Unit | 1617 |
| Examiner Name | Yu, Gina C. |
| Attorney Docket Number | Sensory 0003.CON3 |

U. S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|--------------------|-----------------------|--|--------------------------------|--|---|
| | | Number-Kind Code ² (if known) | | | |
| | | US- 4,302,443 | 11-24-1981 | deNavarre et al. | |
| | | US- 4,320,114 | 03-16-1982 | Denzinger et al. | RECEIVED |
| | | US- 5,053,219 | 10-01-1991 | Giddey et al. | JAN 27 2007 |
| | | US- 5,098,716 | 03-24-1992 | Embro | |
| | | US- 5,126,135 | 06-30-1992 | Yamada et al. | OFFICE OF PETITION |
| | | US- 5,476,647 | 12-19-1995 | Chow et al. | |
| | | US- 5,624,415 | 04-29-1997 | Cormier et al. | |
| | | US- 5,656,280 | 08-12-1997 | Herb et al. | |
| | | US- 5,662,941 | 09-02-1997 | Bourbon et al. | |
| | | US- _____ | _____ | _____ | |
| | | US- 5,709,849 | 01-20-1998 | Ito et al. | |
| | | US- 6,319,850 | 11-20-2001 | Chang et al. | |
| | | US- 6,455,076 | 09-24-2002 | Hahn et al. | |
| | | US- _____ | _____ | _____ | |
| | | US- 2003/0031727-A1 | 02-13-2003 | Hahn et al. | |
| | | US- 5,348,733 | 09-29-1994 | Morishima et al. | JP-A-05/124941* |
| | | US- 4,363,794 | 12-14-1982 | Ochiai et al. | JP-A-54/059339* |
| | | US- | | | |
| | | US- | | | |

RECEIVED
JAN 27 2005

OFFICE OF PETITIONS

FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
| | | EP-0354447-A2 | 02-14-1990 | Procter&Gamble | |
| | | EP-0801554-A1 | 10-22-1997 | Cosmederm Tech. | |
| | | EP-1136065-A1 | 09-26-2001 | Cosmederm Tech. | |
| | | FR-2047885 | 03-19-1971 | Sherwin et al. | Supp. EP Search |
| | | FR-2361904 | 03-17-1978 | D. Culibrik | Supp. EP Search |
| | | EP-0346957-A1 | 12-20-1989 | Unilever | JP-A-02/022216* |

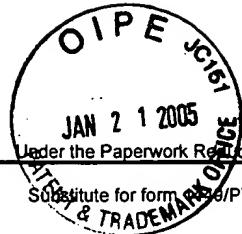
| | | | |
|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND COMMENTS TO: U.S. PATENT AND TRADEMARK OFFICE, 1450 LEE HWY, ALEXANDRIA, VA 22313-1450.**

TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 07/31/2008. GMB 0851-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

~~Substitute for form 1-69/PTO~~

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 3 of 5

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | 09/992,491 |
| Filing Date | November 21, 2001 |
| First Named Inventor | Gary S. Hahn |
| Art Unit | 1617 |
| Examiner Name | Yu, Gina C. |

U. S. PATENT DOCUMENTS

~~RECEIVED~~

JAN 27 2005

OFFICE OF PETITIONS

FOREIGN PATENT DOCUMENTS

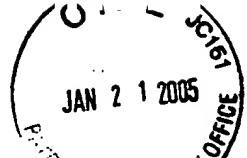
| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
| | | GB-1160640 | 08-06-1969 | Procter&Gamble | JP-B-46/010436* |
| | | JP-B-46/035760** | 10-20-1971 | N/A | Office Action |
| | | JP-A-62/255406** | 11-07-1987 | N/A | Office Action |
| | | WO-94/03147 | 02-17-1994 | Procter&Gamble | |
| | | WO-94-06440 | 03-31-1994 | Smith, Walter | JP-A-08/501553* |
| | | WO-96/19184 | 06-27-1996 | Cosmederm Tech. | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



JAN 21 2005

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Approved for use through 07/01/2006. GPO 0001-0001
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 4 of 5

Complete if Known

| | |
|------------------------|-------------------|
| Application Number | 09/992,491 |
| Filing Date | November 21, 2001 |
| First Named Inventor | Gary S. Hahn |
| Art Unit | 1617 |
| Examiner Name | Yu, Gina C. |
| Attorney Docket Number | Sensory 0003 CON2 |

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
| | | JP-A-06/080544**** | 03-22-1994 | Unilever PLC | Office Action |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| | | | |
|-----------------------|--|--------------------|--|
| Examiner Signature | | Date Considered | |
|-----------------------|--|--------------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

JAN 21 2005

PTO/SB/08B (08-03)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

Complete if Known**INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet

5

of

5

Attorney Docket Number

09/992,491

November 21, 2001

First Named Inventor

Gary S. Hahn

RECEIVED

Art Unit

1617

JAN 27 2005

Examiner Name

Yu, Gina C.

OFFICE OF PETITIONS

NON PATENT LITERATURE DOCUMENTS

| | | | |
|--------------------|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | | BLACOW et al. (Ed.), Martindale: The Extra Pharmacopoeia, 1972, pp. 241 and 1699, 26th Ed., The Pharmaceutical Press, London. | |
| | | BUDAVARI et al. (Ed.), The Merck Index, 1989, pp. 54, 320, and 1394, 11th Ed., Merck & Co., Inc., USA. | |
| | | SCHAFFER et al., "Tin - A Toxic Heavy Metal?", Regulatory Toxicology and Pharmacology, 1984, pp. 57-69, Vol. 4, Academic Press, Inc., USA. | |
| | | SKOVEN et al., "Lithium Compound Treatment and Psoriasis," Archives of Dermatology, 1979, pp. 1185-87, Vol. 115, No. 10, American Medical Association, USA. | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.